



P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Grupp, et al.

Application No.: 10/765,724

Filed: January 26, 2004

For: MEDICAL IMPLANT SYSTEM

**MS MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 10, 2004  
By: Carol Prentice  
Carol Prentice

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In accordance with 37 C.F.R. §1.56, Applicants wish to call the attention of the Examiner to the following references:

**U.S. PATENT(S):**

<u>Patent No.</u>	<u>Patentee</u>	<u>Date of Issue</u>
5,792,076	Orsak et al.	Aug 11, 1998
6,005,242	Chernyak	Dec 21, 1999

**FOREIGN PATENT DOCUMENT(S):**

<u>Country</u>	<u>No.</u>	<u>Date of Publication</u>
Germany	39 14 164	Jan 03, 1991
International	96/17223	Jun 06, 1996
International	99/45352	Sep 10, 1999
International	01/22880	Apr 05, 2001

Application No.: 10/765,724

Page 2

**PUBLICATION(S) :**

Lin, Jie et al., "Sol-gel glass as a matrix for chemical and biochemical sensing", Trends in Analytical Chemistry, Vol. 16, no. 4, April 1, 1997, pages 200-211.

The references listed above were cited by the International Examiner in the Search Report (copy enclosed) of Applicants' counterpart international patent application no. PCT/EP02/07927 (MPEP §2001.06(a)).

An English language abstract is attached to the enclosed copy of DE 39 14 164.

**OTHER FOREIGN PATENT DOCUMENT(S) :**

<u>Country</u>	<u>No.</u>	<u>Date of Publication</u>
Germany	35 42 535	Jun 05, 1986
EPO	0 307 241	Mar 15, 1989

The references listed above were cited by the German Examiner in Applicants' counterpart German patent application 101 37 011.3 (MPEP §2001.06(a)).

DE 35 42 535 has an English language counterpart, namely U.S. Patent No. 5,013,323.

**U.S. PATENT(S) :**

<u>Patent No.</u>	<u>Patentee</u>	<u>Date of Issue</u>
5,013,323	Kobayashi et al.	May 07, 1991

**Application No.: 10/765,724**  
**Page 3**

Copies of the above-listed foreign and non-patent references are enclosed, together with a completed form PTO-1449.

Consideration of these references by the Examiner is respectfully requested. To date, a first Office Action on the merits has not been received in connection with this application. This Information Disclosure Statement is therefore believed to be timely filed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

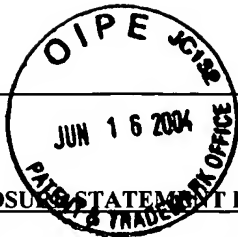
Respectfully submitted,



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Barry R. Lipsitz  
Attorney for Applicant(s)  
Registration No. 28,637  
755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

**Date: June 10, 2004**  
**ATTORNEY DOCKET NO.: HOE-795**



<b>FORM PTO-1449</b>		<b>ATTY. DOCKET NO.:</b> HOE-795		<b>SERIAL NO.:</b> 10/765,724	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>APPLICANT(S):</b> Grupp, et al.	
				<b>FILING DATE:</b> January 26, 2004	<b>GROUP:</b>
<b>U.S. PATENT DOCUMENTS</b>					
<b>EXAMINER INITIAL</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b> <b>SUB-CLASS</b> <b>FILING DATE</b>
	AA	5,013,323	05/07/1991	Kobayashi et al.	
	AB	5,792,076	08/11/1998	Orsak et al.	
	AC	6,005,242	12/21/1999	Chernyak	
<b>FOREIGN PATENT DOCUMENTS</b>					
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b> <b>SUB-CLASS</b> <b>TRANS- LATION YES NO</b>
	AD	35 42 535	06/05/1986	Germany	
	AE	0 307 241	03/15/1989	EPO	
	AF	39 14 164	01/03/1991	Germany	
	AG	96/17223	06/06/1996	International	
	AH	99/45352	09/10/1999	International	
	AI	01/22880	04/05/2001	International	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>					
	AJ	Lin, Jie et al., "Sol-gel glass as a matrix for chemical and biochemical sensing", <u>Trends in Analytical Chemistry</u> , Vol. 16, no. 4, April 1, 1997, pages 200-211.			
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>			
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					